



WGEF 27/26

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Report on the 9th meeting of the Working Group for the Entry into Force of the International Coffee Agreement 2022

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1. The Working Group for the Entry into Force of the International Coffee Agreement 2022 (WGEF) met for the ninth time on 2 September 2024. The Chair of the Group, Mr Michael Wheeler of Papua New Guinea, welcomed all participants and thanked delegates for their presence.

2. Representatives of the following Members were present online using Zoom software: Brazil, Côte d'Ivoire, El Salvador, European Union (including EU-Ireland, EU-Italy and EU-Sweden), Honduras, India, Japan, Papua New Guinea, Russian Federation, and Togo.

Item 1: Adoption of the agenda

3. The Chair introduced the Draft Agenda, contained in document [WGEF-26/24](#), describing it as straightforward and similar to previous meetings. He invited delegations to propose any additions or changes before adoption.

4. The delegate of Brazil stated that before commenting on the approval of the Draft Agenda, he wished to request an explanation on the objectives of agenda item 4 of document [WGEF-26/24](#), entitled "Participation of non-governmental stakeholders in the activities of the Organization", as well as the list of documents under said item.

5. The Chair responded that the matter referred to the discussions on the Board of Affiliate Members (BAM) and took the opportunity to thank the delegation of Brazil for its written submission, which he said helped to move the debate forward substantially and would be discussed. He informed the Working Group that he would need to request the Secretariat to clarify the documents listed, as he had only glanced over them. He added that he had assumed all documents listed were relevant but expressed willingness to investigate the matter further. The Chair asked the Secretariat to provide the requested clarification.

6. The Secretariat and External Relations Officer explained that under item 4, all WGEF documents prepared since the beginning of discussions on the participation of non-governmental stakeholders had been included. She confirmed that there had been no changes compared to previous agendas and that all documents previously circulated had been retained, including the proposal submitted by India, the text of the survey circulated in June 2024, and other WGEF documents on the topic.

7. In response to a further question from the Chair, the Secretariat and External Relations Officer clarified that the Note Verbale from Brazil had been circulated as an Executive Director communication to all Members in the four languages of the Organization, but it was not listed on the WGEF agenda.

8. The delegate of Brazil reiterated that, in relation to the list of documents included under item 4, Brazil wanted to make some comments and propose some changes. First, he referred to document [WGEF-12/24](#), recalling that the Brazilian delegation had indicated previously that the

associations and conclusions contained in the document were, in the opinion of the Brazilian Government, not applicable to the International Coffee Organization (ICO). He indicated that the comparisons made with the International Telecommunications Union, the World Tourism Organization, and other entities such as football associations had already been commented on and were not justified, not only given the limitations applied to the activities of private entities and non-governmental organizations, but also given that the objectives and distinctive areas of activity differed from the ICO. The delegate of Brazil also recalled that the Brazilian delegation had indicated that the document did not include any examples of international organizations dealing with agricultural commodities. For that reason, the delegate of Brazil proposed that the document either be deleted from the list of references for discussion under agenda item 4 or that a note of clarification be added whenever the document was cited again as a reference, stating explicitly that Brazil did not consider the associations and conclusions contained in the document applicable to the ICO.

9. The delegate of Brazil referred to Note Verbale No. 22 (26 July 2024), submitted to the Secretariat for circulation, which presented the positions and suggestions of the Brazilian coffee chain and Government on the participation of non-governmental entities in ICO bodies and activities under the ICA 2022. He highlighted that paragraph 4 of the Note Verbale outlined six guiding principles derived from a broad and participatory debate led by Brazil's Coffee Policy Deliberative Council (CDPC), involving representatives from the coffee chain, and relevant ministries, including the Ministry of External Relations. He noted that the Note Verbale had been attached to document [ED-2468/24](#) (2 August 2024), which was not cited among the references under item 4 of document [WGEF-26/24](#), and requested that [ED-2468/24](#) be added to the list of references and that discussion of item 4 be postponed to the next meeting.

10. The Chair thanked the delegate of Brazil and said that he had no objection to his proposal, while acknowledging that Brazil's Note Verbale had not been included in the list of references and apologizing for not verifying that point. On the question of the reference document on other organizations and their relevance, he noted that it had been for historical purposes, suggested that the document had outlived its purpose and usefulness, and added that the Working Group had moved on from that particular area of debate.

11. The Executive Director apologized to the delegate of Brazil on behalf of the Secretariat for the lack of communication and the omission of the document, acknowledging that it should have been included.

12. The Chair confirmed that the meeting would proceed without item 4 and the modified agenda was adopted.

Item 2: Report of the 8th meeting of the Working Group held on 15 July 2024

13. The Chair presented the report of the previous meeting, contained in document [WGEF-25/24](#).

14. In relation to document [WGEF-25/24](#), dated 28 August 2024, containing the report of the discussions held during the 8th meeting of the WGEF, the delegate of Brazil requested a correction to the proposed text, highlighting that it did not reflect, in his delegation's opinion, the intervention that had been made. The delegate of Brazil referred to the first sentence of paragraph 7 of and noted that it currently stated that "The delegate of Brazil stressed that the absence of answers from certain countries, including his own, was not to be interpreted as their willingness to join the consensus emerging from the questionnaire or endorse suggestions by the Secretariat or the Working Group". The delegate of Brazil clarified that he had not said at any time that he had seen a consensus emerging from the questionnaire/Working Group. He stated that he had said the opposite and that the Brazilian delegation, on that occasion, had indicated that it should not be assumed that the countries who did not respond or participate in the questionnaire, like Brazil, had agreed with the results of the questionnaire, as it was proposed. The delegate of Brazil added that it had been stressed that the absence of participation in the initiative should not be considered, at any stage, as an endorsement of the opinion(s) given by the eight participants in the exercise. He highlighted that the delegation of Brazil had pointed out that the lack of participation should not be considered by the Chair of the Working Group as a "blank cheque" for any suggestions made either by the Secretariat or Working Group.

15. The delegate of Brazil also requested a correction to another paragraph describing the comments and observations made by the Brazilian delegation during the 8th meeting of the Working Group. He stated that it referred to the issue of "pace and speed" of deliberations, as contained under item 3 ("Participation of non-governmental stakeholders in the activities of the Organization") of document [WGEF-25/24](#). The delegate of Brazil explained that, at the 8th meeting of the Working Group, the Brazilian delegation had expressed the opinion that there was no rush or urgency to accelerate the works and discussions, since the procedures for the ratification of the ICA 2022 were still in their early stages in many countries, including Brazil. He recalled that the delegation of Brazil had also emphasized that ample time should be given to allow for a mature and comprehensive debate on the various important issues raised which still needed to be defined. The delegate of Brazil added that his delegation had stressed that there was a long and complex legislative procedure for ratification in his country which was still in its initial stages, contrary to what was suggested in paragraph 7 of document [WGEF-25/24](#), i.e. that it was being finalized.

16. Finally, the delegate of Brazil requested that the observation made by the Brazilian delegation under item 5 ("Other Business") be added to the Report of the 8th Meeting, explaining that it was currently missing. He noted that, at the 8th meeting of the Working Group, the delegation of Brazil had stressed that any rule regarding a reduction of contributions should be

applied equally to all Member countries. The delegate of Brazil emphasized that this was a very important aspect and that it should be kept in mind, adding that any modification on this aspect would result in the whole procedure of ratification being restarted again in his country. He added that the delegation of Brazil had also indicated that Brazilian legislation determined that any increase in mandatory expenses, such as contributions to international organizations, was considered and classified in the Brazilian budget as an obligatory expense, and explained that those expenses were subject to the approval of the various ministries that had jurisdiction over the matter.

17. The Chair thanked the delegate of Brazil and acknowledged his concerns. He stated that he thought all delegations would find themselves in exactly the same position as Brazil on the issue. He added that he did not want to reopen the debate on that matter and said that there had been an instruction from the Council to the Executive Director on the issue, and therefore Members were duty bound to consider it. The Chair stated that he was taking all the points raised into consideration and emphasized that he understood exactly the position expressed, but felt that Members needed to look at the matter very closely to see whether or not, within the rules and within the restrictions outlined, something could be done.

18. On the Report of the 8th meeting of the WGEF, contained in document [WGEF-25/24](#), the Chair said that the wording could be revised. He added that he would appreciate any suggestions in this sense.

19. The delegate of Brazil clarified that his proposal only concerned the Report of the 8th meeting and that the delegation of Brazil did not intend to discuss the aforementioned matter, especially because the Ministry of External Relations had no authority or competence on such issues. He further explained that the request for corrections and the point he was making now at the 9th meeting were not related. The delegate of Brazil stated that the budget in Brazil was a very complex and detailed operation, and that regarding obligatory expenses, it was even more complex and involved a very tough and complicated negotiation. He explained that his delegation was not allowed to discuss obligatory expenses, since there was already a formula being sent to Congress on such matters. The delegate of Brazil said that if the situation were to change, the delegation of Brazil would need to request that the whole procedure be restarted again. The delegate of Brazil noted that it was very important that what was said at the previous meeting be included in a revised version of document [WGEF-25/24](#) and reiterated that the question of mandatory payments was a constitutional matter which he was not allowed and did not have any mandate to negotiate.

20. The Chair confirmed that no misrepresentation had been intended, noted that document [WGEF-25/24](#) had not been approved, and repeated his commitment to revising it in consultation with Brazil to reflect exactly what had been said.

Item 3: Terms of Reference (ToRs) of the Economics Committee

21. The Chair introduced document [WP-Council-346/24](#) and explained that it contained draft terms of reference for the new Economics Committee under the ICA 2022. He recalled that a tentative agreement had been reached at earlier meetings but noted that minor translation inconsistencies had been found, specifically regarding the verbs “attend” and “participate.” He asked the Secretariat to explain.

22. The Secretariat and External Relations Officer explained that during a review of the translations, the Secretariat had noticed that paragraph 2 of the section on “Governance” used a different verb to Article 21 of the ICA 2007 and Article 22 of the ICA 2022, which both opted for “participate” when referring to Members’ rights to attend meetings of specialized committees. Therefore, the Secretariat proposed that the text be revised to maintain consistency.

23. The Chair noted that the amendment did not alter the paragraph’s meaning but improved consistency with the Agreement, and he invited delegations’ comments.

24. The delegate of Brazil replied that his delegation would need to consult headquarters before agreeing even to a minor change but added that they had taken note of the proposal and would respond at a subsequent meeting. He added that Brazil had several additional suggestions to improve the document.

25. The Chair noted that he had wished to propose the document to the Council the following week to show progress but was open to any further amendments or suggestions.

26. The delegate of Brazil proposed multiple amendments to the draft ToRs of the Economics Committee and explained each in detail:

- (a) Under item 2.2 (Statistics), the delegate of Brazil proposed adding a new sub-item (j) that would read: “*Adoption of new methodologies to improve and make available consistent, qualified and complete data through modern integration platforms.*” He explained that this reflected the Brazilian coffee chain’s opinion that this had to be among the Organization’s priorities in order to enable the ICO to offer reliable and precise information to transparently support decision-making by the agents of the coffee sector. The delegate of Brazil also noted that during preparations for the 1st Meeting of the Joint Committee, he had been reading the plan of activities and stated that one of the priorities given to the Organization concerned the information and statistics it provided to the coffee chain in Brazil, which were considered by his country to be among the most important services the Organization offered to its Members.
- (b) Under item 2.4(a) (Coffee sector finance), the delegate of Brazil proposed replacing the term “*producers*” with “*coffee farmers in producing countries*” so that

the sentence would read: *“Facilitating consultations on topics related to finance and risk management in the coffee sector, with a particular emphasis on the needs of small- and medium-scale coffee farmers in producing countries and in local communities in coffee-producing areas...”*.

- (c) Under item 2.3(b) (Promotion and market development), the delegate of Brazil proposed including the following phrase: *“...improve the quality of the product and develop markets for coffee, including in exporting Members,”* as stated in Article 27(1) of the ICA 2022, adding that he did not understand why it had not been included in the activities related to promotion and market development. He referred to said Article 27, and noted that its first paragraph stated that *“Members recognize the benefits, both to exporting and importing Members, from efforts to promote consumption, improve the quality of the product, and develop markets for coffee, including in exporting Members.”*
- (d) Also under item 2.3(b), the delegate of Brazil proposed adding a further sub-item (g) which would read *“Promotion of International Coffee Day”*. He noted that it had been a surprise to find that the promotion of International Coffee Day was missing and stated that his delegation considered the promotion of International Coffee Day, held each year on 1 October, not only an opportunity to encourage coffee consumption but also an activity that should be mentioned within the scope of the Economic Committee’s work. The delegate of Brazil explained that the Organization already included activities related to International Coffee Day in its annual budget, and therefore all such expenses should be accompanied by the corresponding mandate, which was currently missing.
- (e) Under item 2.4(b), the delegate of Brazil proposed expanding the scope to read *“Promoting coordination among governments, intergovernmental bodies, non-governmental organizations, and stakeholders involved in the coffee value chain, such as associations, federations, councils, and other representative entities of the coffee sector and the private sector on topics and activities related to coffee sector finance and risk management”*. He stated that, in the opinion of the Brazilian delegation, those were the representative producing forces of coffee – the entities that produce coffee and that should benefit from coordination activities related to finance and risk management. The delegate of Brazil added that the paragraph was intended to address sector finance and risk management for coffee entities, and that it should be very clear that the paragraph was conceptualized with this focus.
- (f) In the first and second sentences of paragraph 4 on page 3, under “Governance and Procedures”, the delegate of Brazil highlighted that, in the opinion of the Brazilian delegation, the noun “member” should be capitalized. He explained that “Member” with a capital “M” was defined in Article 2(6) of the ICA 2022, where it referred to a contracting party. The delegate of Brazil said that whenever “Member” with a capital “M” was used, it indicated a contracting party, and that it

was the impression of the Brazilian delegation that the meaning being conveyed in paragraph 4 related to contracting parties.

- (g) The delegate of Brazil also proposed the deletion of paragraph 7, arguing that the ICA 2022 only permitted observer participation in two instances – Article 12 (Sessions of the Council) and Article 37, where it allows the Chair of the World Coffee Conference to participate as an observer in the sessions of the International Coffee Council. The delegate of Brazil stated that, since the ICA 2022 did not extend this faculty to any of its committees, in the opinion of Brazil, there was no mandate to change this very constitutional aspect which limited the participation of observers.

27. The Chair thanked the delegate of Brazil for his constructive proposals, noting that they were very useful and likely to face little objection. He suggested that the Working Group review each amendment individually and acknowledged that the proposals added helpful clarity. He also noted that he would consult the Secretariat on the constitutional issue regarding observer participation.

28. The Head of Operations intervened to request that Brazil's proposals be submitted in writing to ensure accuracy. He also noted that the ToRs under discussion were based on those of the existing Joint Committee, so asked whether any changes made would have to be made to both the Joint Committee or only the future Economics Committee under the ICA 2022.

29. The Chair noted that Members were discussing the 2022 Agreement, not any ToRs under the 2007 Agreement. He added that if there were to be changes to the Joint Committee's mandate, that needed to be discussed in another forum, not the WGEF. The Chair stated that the current focus was on the future entry into force of the ICA 2022 and that the discussion should be limited to the Economics Committee.

30. The delegate of Brazil responded that, in the view of the Brazilian delegation, the document was not yet mature enough for submission to the Council. He confirmed that Brazil would present its proposals in writing via a Note Verbale. The delegate of Brazil suggested continuing discussions at a later meeting.

31. The Chair accepted this proposal, stating that he was happy to postpone submission of the document to the Council. He added that the amendments or proposals from Brazil would be provided within a revised document, which could be discussed at a subsequent meeting.

32. The delegate of Japan expressed appreciation to the Secretariat for revising the draft ToRs and to Brazil for its comments. He explained that Japan had not yet had enough time to study the text in detail and still needed to consult internally in order to submit comments. He asked for confirmation on paragraph 2 under "Governance and procedures" that other Members

not appointed to the Economics Committee would still be able to attend meetings as observers without voting rights.

33. Responding to the delegate of Japan, the Chair confirmed that his interpretation was correct, noting that committees operated by consensus and not by vote. He explained that Members who were not appointed to the Economics Committee would be allowed to attend the meeting as observers as their right to observe was enshrined in the Agreement and that it had always been the case. He further noted that Committee decisions were made by consensus rather than voting.

34. The delegate of the European Union echoed Japan's remarks, thanked Brazil for its proposals, and stated that the Working Group should wait for written submissions before considering amendments at the next meeting.

35. The Chair concluded that the matter would be carried forward. He again thanked Brazil for the valuable contribution and asked the Secretariat to consider Brazil's final point on observer participation and clarify whether it was constitutionally permissible under the ICA 2022.

36. The Chair and Executive Director agreed that it would be better to analyse the issue further and return with advice at the next meeting.

Item 4: Date of next meeting

37. The delegate of Brazil suggested scheduling the next meeting for January, explaining that December would coincide with the EU Deforestation Regulation (EUDR) coming into force. The delegate explained that his delegation would be coordinating with colleagues in Brussels during that period.

38. The Chair agreed, acknowledging that the EUDR would create disruption and concern across delegations, including his own. He confirmed that a January meeting would be preferable and that the Secretariat would coordinate a date.

Item 5: Other business

39. With no further topics to discuss, the Chair noted that his report to the Council the following week would be brief. He expressed appreciation to all participants for their cooperation and constructive engagement and said he looked forward to meeting delegates in person at the Council session the following week. He thanked everyone for their attendance and closed the meeting.